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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590	06/03/2005		EXAMINER PEACHES, RANDY	
Frank C. Nicholas Cardinal Law Group Suite 2000 1603 Orrington Ave. Evanston, IL 60201			ART UNIT 2686	PAPER NUMBER

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,842

Applicant(s)

CHEN ET AL.

Examiner

Randy Peaches

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 1-2 and 4-5*** are rejected under 35 U.S.C. 102(e) as being anticipated by Lemieux (U.S. Patent Number 6,452,942 B1).

Regarding ***claim 1***, Lemieux discloses a system for establishing a public wireless local area network for a plurality of remote site users, which reads on claimed "wireless communication devices," the system comprising:

- a common carrier network (CCN, 202)(See FIGURE 2), which reads on claimed "public switched telephone network,". See column 3 lines 46-57;
- a digital subscriber line access multiplexer (DSLAM, 218a, 218b, 218c) in communication with the said CCN (202). See FIGURE 2.
- at least one device (D1-D3), which reads on claimed "public telephone," in communication with the said CCN (202). ***The Examiner would like to further state, as disclosed in column 4 lines 23-31, the that the referenced facility***

can be a home, office, business, etc.; therefore, depending on the said facility the said devices maybe public or private devices. See FIGURE 2 and column 4 lines 22-31; and

- a wireless DSLAM (WL-DSLAM, 222), which reads on claimed "wireless local area network hub," in communication with the device (D1-D3) and with the (DSLAM, 218a, 218b, 218c), the said wireless DSLAM (WL-DSLAM, 222) being adapted to establish a digital subscriber line connection with the wireless communication devices. See FIGURE 2 and column 4 lines 9-31.

Regarding **claim 2**, according to **claim 1**, Lemieux further teaches in column 6 lines 48-57 and see FIGURE 2, of an access network portion (244), which reads on claimed "broadband remote access service," in communication with the said digital subscriber line access multiplexer (DSLAM, 218a, 218b, 218c).

Regarding **claim 4**, according to **claim 2**, Lemieux further teaches in column 6 lines 48-57 and see FIGURE 2, of an access network portion (244), which reads on claimed "broadband remote access service," a connection between the wireless communication devices and a private network. See FIGURE 2.

Regarding **claim 5**, according to **claim 1**, Lemieux further teaches in column 6 lines 48-57 and see FIGURE 2, of an access network portion (244), which reads on claimed "broadband remote access service," wherein the at least one public telephone is in

communication with the public switched telephone network over a pair of copper wires.

See column 1 lines 33-39.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claims 6-8, 10-11, 13-14, 16 and 18-19*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemieux (U.S. Patent Number 6,452,942 B1) in view of Souissi et al. (U.S. Publication Number 2002/0142721 A1).

Regarding ***claim 6***, according to ***claim 1***, Lemieux discloses a system for establishing a public wireless local area network for a plurality of remote site users, which reads on claimed "wireless communication devices," the system comprising:

- a common carrier network (CCN, 202)(See FIGURE 2), which reads on claimed "public switched telephone network,". See column 3 lines 46-57;
- a digital subscriber line access multiplexer (DSLAM, 218a, 218b, 218c) in communication with the said CCN (202). See FIGURE 2.

- at least one device (D1-D3), which reads on claimed "public telephone," in communication with the said CCN (202). See FIGURE 2 and column 4 lines 22-31; and
- a wireless DSLAM (WL-DSLAM, 222), which reads on claimed "wireless local area network hub," in communication with the device (D1-D3) and with the (DSLAM, 218a, 218b, 218c), the said wireless DSLAM (WL-DSLAM, 222) being adapted to establish a digital subscriber line connection with the wireless communication devices. See FIGURE 2 and column 4 lines 9-31.

However, Lemieux fails to disclose wherein wireless local area network hub operates according to an IEEE 802.11 standard.

Souissi et al. teaches in paragraph [0010] of a wireless local area network containing device supporting a European HyperLAN, which reads on claimed "802.11 standard."

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Lemieux (U.S. Patent Number 6,452,942 B1) to include Souissi et al. (U.S. Publication Number 2002/0142721 A1) in order to provide a wireless device capable of supporting the functional requirements of 802.11 standard.

Regarding **claim 7**, according to **claim 1**, Lemieux discloses a system for establishing a public wireless local area network for a plurality of remote site users, which reads on claimed "wireless communication devices," the system comprising:

- a common carrier network (CCN, 202)(See FIGURE 2), which reads on claimed "public switched telephone network,". See column 3 lines 46-57;

Art Unit: 2686

- a digital subscriber line access multiplexer (DSLAM, 218a, 218b, 218c) in communication with the said CCN (202). See FIGURE 2.
- at least one device (D1-D3), which reads on claimed "public telephone," in communication with the said CCN (202). See FIGURE 2 and column 4 lines 22-31; and
- a wireless DSLAM (WL-DSLAM, 222), which reads on claimed "wireless local area network hub," in communication with the device (D1-D3) and with the (DSLAM, 218a, 218b, 218c), the said wireless DSLAM (WL-DSLAM, 222) being adapted to establish a digital subscriber line connection with the wireless communication devices. See FIGURE 2 and column 4 lines 9-31.

However, Lemieux fails to disclose wherein wireless local area network hub operates according to an IEEE 802.11a standard.

Souissi et al. teaches in paragraph [0010] of a wireless local area network containing devices supporting 802.11b.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Lemieux (U.S. Patent Number 6,452,942 B1) to include Souissi et al. (U.S. Publication Number 2002/0142721 A1) in order to provide a wireless device capable of supporting the functional requirements of 802.11b standard.

Regarding **claim 8**, according to **claim 1**, Lemieux discloses a system for establishing a public wireless local area network for a plurality of remote site users, which reads on claimed "wireless communication devices," the system comprising:

Art Unit: 2686

- a common carrier network (CCN, 202)(See FIGURE 2), which reads on claimed "public switched telephone network,". See column 3 lines 46-57;
- a digital subscriber line access multiplexer (DSLAM, 218a, 218b, 218c) in communication with the said CCN (202). See FIGURE 2.
- at least one device (D1-D3), which reads on claimed "public telephone," in communication with the said CCN (202). See FIGURE 2 and column 4 lines 22-31; and
- a wireless DSLAM (WL-DSLAM, 222), which reads on claimed "wireless local area network hub," in communication with the device (D1-D3) and with the (DSLAM, 218a, 218b, 218c), the said wireless DSLAM (WL-DSLAM, 222) being adapted to establish a digital subscriber line connection with the wireless communication devices. See FIGURE 2 and column 4 lines 9-31.

However, Lemieux fails to disclose wherein wireless local area network hub operates according to an IEEE 802.11a standard.

Souissi et al. teaches in paragraph [0010] of a wireless local area network containing device supporting an 802.11a standard, which reads on claimed "802.11a standard."

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Lemieux (U.S. Patent Number 6,452,942 B1) to include Souissi et al. (U.S. Publication Number 2002/0142721 A1) in order to provide a wireless device capable of supporting the functional requirements of 802.11a standard.

Regarding **claim 10**, Lemieux discloses a system for establishing a public wireless local area network for a plurality of remote site users, which reads on claimed "wireless communication devices," the system comprising:

- a common carrier network (CCN, 202)(See FIGURE 2), which reads on claimed "public switched telephone network,". See column 3 lines 46-57;
- a digital subscriber line access multiplexer (DSLAM, 218a, 218b, 218c) in communication with the said CCN (202). See FIGURE 2.
- at least one device (D1-D3), which reads on claimed "public telephone," in communication with the said CCN (202). See FIGURE 2 and column 4 lines 22-31; and
- a wireless DSLAM (WL-DSLAM, 222), which reads on claimed "wireless local area network hub," in communication with the device (D1-D3) and with the (DSLAM, 218a, 218b, 218c), the said wireless DSLAM (WL-DSLAM, 222) being adapted to establish a digital subscriber line connection with the wireless communication devices. See FIGURE 2 and column 4 lines 9-31.

However, Lemieux fails to disclose wherein wireless local area network hub operates according to an IEEE 802.11 standard.

Souissi et al. teaches in paragraph [0010] of a wireless local area network containing device supporting a European HyperLAN, which reads on claimed "802.11 standard."

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Lemieux (U.S. Patent Number 6,452,942 B1) to

include Souissi et al. (U.S. Publication Number 2002/0142721 A1) in order to provide a wireless device capable of supporting the functional requirements of 802.11 standard.

Regarding **claim 11**, as the combination of Lemieux (U.S. Patent Number 6,452,942 B1) to include Souissi et al. (U.S. Publication Number 2002/0142721 A1) are made, the combination according to claim according to **claim 10**, Lemieux further teaches in column 6 lines 48-57 and see FIGURE 2, of an access network portion (244), which reads on claimed "broadband remote access service," in communication with the said digital subscriber line access multiplexer (DSLAM, 218a, 218b, 218c).

Regarding **claims 13 and 18**, as the combination of Lemieux (U.S. Patent Number 6,452,942 B1) to include Souissi et al. (U.S. Publication Number 2002/0142721 A1) are made, the combination according to claim according to **claims 11 and 16**, Lemieux further teaches in column 6 lines 48-57 and see FIGURE 2, of an access network portion (244), which reads on claimed "broadband remote access service," a connection between the wireless communication devices and a private network. See FIGURE 2.

Regarding **claims 14 and 19**, as the combination of Lemieux (U.S. Patent Number 6,452,942 B1) to include Souissi et al. (U.S. Publication Number 2002/0142721 A1) are made, the combination according to claim according to **claims 10 and 16**, Lemieux further teaches in column 6 lines 48-57 and see FIGURE 2, of an access network portion (244), which reads on claimed "broadband remote access service," wherein the

at least one public telephone is in communication with the public switched telephone network over a pair of copper wires. See column 1 lines 33-39.13.

Regarding **claim 16**, Lemieux discloses a system for establishing a public wireless local area network for a plurality of remote site users, which reads on claimed "wireless communication devices," the system comprising:

- a common carrier network (CCN, 202)(See FIGURE 2), which reads on claimed "public switched telephone network,". See column 3 lines 46-57;
- a digital subscriber line access multiplexer (DSLAM, 218a, 218b, 218c) in communication with the said CCN (202). See FIGURE 2.
- at least one device (D1-D3), which reads on claimed "public telephone," in communication with the said CCN (202). See FIGURE 2 and column 4 lines 22-31; and
- a wireless DSLAM (WL-DSLAM, 222), which reads on claimed "wireless local area network hub," in communication with the device (D1-D3) and with the (DSLAM, 218a, 218b, 218c), the said wireless DSLAM (WL-DSLAM, 222) being adapted to establish a digital subscriber line connection with the wireless communication devices. See FIGURE 2 and column 4 lines 9-31.

However, Lemieux fails to disclose wherein wireless local area network hub operates according to an IEEE 802.11a standard.

Souissi et al. teaches in paragraph [0010] of a wireless local area network containing devices supporting 802.11b.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Lemieux (U.S. Patent Number 6,452,942 B1) to include Souissi et al. (U.S. Publication Number 2002/0142721 A1) in order to provide a wireless device capable of supporting the functional requirements of 802.11b standard.

3. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemieux (U.S. Patent Number 6,452,942 B1) in view of Tuli (U.S. Patent Number 6,633,314 B1).

Regarding **claim 3**, according to **claim 2**, Lemieux teaches in column 6 lines 48-57 and see FIGURE 2, of an access network portion (244), which reads on claimed "broadband remote access service," in communication with the said digital subscriber line access multiplexer (DSLAM, 218a, 218b, 218c).

However, Lemieux fails to disclose wherein the said access network portion (244) provides a connection between the wireless communication devices and an Internet service provider.

Tuli teaches in column 1 lines 33-43, of a portable device comprising a modem provides a peripheral device access to the Internet.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Lemieux (U.S. Patent Number 6,452,942 B1) to include Tuli (U.S. Patent Number 6,633,314 B1) in order to provide a user access to the Internet via an access network portion. In turn, allows the user flexibility to utilize the resources provided by the wireless broadband system.

4. **Claims 12 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemieux (U.S. Patent Number 6,452,942 B1) in view of Souissi et al. (U.S. Publication Number 2002/0142721 A1) in further view of Tuli (U.S. Patent Number 6,633,314 B1).

Regarding **claims 12 and 17**, as the combination of Lemieux (U.S. Patent Number 6,452,942 B1) and Souissi et al. (U.S. Publication Number 2002/0142721 A1) are made, the combination according to claim according to **claims 11 and 16**, the combination fails to disclose wherein the said access network portion (244) provides a connection between the wireless communication devices and an Internet service provider.

Tuli teaches in column 1 lines 33-43, of a portable device comprising a modem provides a peripheral device access to the Internet.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combination of Lemieux (U.S. Patent Number 6,452,942 B1) and Souissi et al. (U.S. Publication Number 2002/0142721 A1) to further include Tuli (U.S. Patent Number 6,633,314 B1) in order to provide a user access to the Internet via an access network portion. In turn, allows the user flexibility to utilize the resources provided by the wireless broadband system.

5. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemieux (U.S. Patent Number 6,452,942 B1) in view of Nojima (U.S. Patent Number 6,233,460 B1).

Regarding **claim 9**, according to **claim 1**, Lemieux discloses a system for establishing a public wireless local area network for a plurality of remote site users, which reads on claimed "wireless communication devices," the system comprising:

- a common carrier network (CCN, 202)(See FIGURE 2), which reads on claimed "public switched telephone network,". See column 3 lines 46-57;
- a digital subscriber line access multiplexer (DSLAM, 218a, 218b, 218c) in communication with the said CCN (202). See FIGURE 2.
- at least one device (D1-D3), which reads on claimed "public telephone," in communication with the said CCN (202). See FIGURE 2 and column 4 lines 22-31; and
- a wireless DSLAM (WL-DSLAM, 222), which reads on claimed "wireless local area network hub," in communication with the device (D1-D3) and with the (DSLAM, 218a, 218b, 218c), the said wireless DSLAM (WL-DSLAM, 222) being adapted to establish a digital subscriber line connection with the wireless communication devices. See FIGURE 2 and column 4 lines 9-31.

However, Lemieux fails to disclose least one public telephone is located in a booth.

Nojima teaches in column 6 lines 1-23, of a public telephone booth (2).

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Lemieux (U.S. Patent Number 6,452,942 B1) to include Nojima (U.S. Patent Number 6,233,460 B1) in order to provide a means, which is a telephone located in a booth, to supply wireless broadband service for the immediate public's use.

6. **Claims 15 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemieux (U.S. Patent Number 6,452,942 B1) in view of Souissi et al. (U.S. Publication Number 2002/0142721 A1) in further view of Nojima (U.S. Patent Number 6,233,460 B1).

Regarding **claims 15 and 20**, as the combination of Lemieux (U.S. Patent Number 6,452,942 B1) and Souissi et al. (U.S. Publication Number 2002/0142721 A1) are made, the combination according to claim according to **claims 10 and 16**, fails to disclose wherein at least one public telephone is located in a booth.

Nojima teaches in column 6 lines 1-23, of a public telephone booth (2).

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combination of Lemieux (U.S. Patent Number 6,452,942 B1) and Souissi et al. (U.S. Publication Number 2002/0142721 A1) to further

include Nojima (U.S. Patent Number 6,233,460 B1) in order to provide a means, which is a telephone located in a booth, to supply wireless broadband service for the immediate public's use.

Response to Arguments

Applicant's arguments filed 1/03/05 have been fully considered but they are not persuasive.

Regarding ***claim 1***, the Applicant respectfully argues that the cited prior art fails to disclose wherein the said devices are deemed as "public" devices. Per the above rejection the Examiner would like to further detail, as disclosed in column 4 lines 23-31, the that the referenced facility can be a home, office , business, etc.; therefore, depending on the said facility the said devices maybe public or private devices. According to the above comments, the Examiner respectfully maintains the rejection of ***claims 1-20*** stand rejected.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Randy Peaches
May 30, 2005

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